



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

VB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/377,081 08/19/99 GRASSO

P 19705-001-(A)

EXAMINER

HM12/0426

IVOR R ELRIFI
MINTZ LEVIN COHN FERRIS GLOVSKY AND
POPED P C
ONE FINANCIAL CENTER
BOSTON MA 02111

ART UNIT	PAPER NUMBER
----------	--------------

1647
DATE MAILED:

10
04/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---------------	-------------	-----------------------	---------------------

09/377,081

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

10

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The reply filed on 20 February 2001 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): Applicant did not include an election of a species to be examined even though the requirement was traversed. As stated in the previous Office action at page 7, "Applicant is advised that the election must be a single, molecular embodiment of peptide to be examined (i.e. having a specific amino acid sequence) in order to be responsive to this requirement". Applicant's election of "peptides having 70% homology to any one of amino acid sequences SEQ ID NO:2-26 and 18" is subgeneric and not a single species.

Applicant is required to elect a single molecular embodiment of peptide, such as SEQ ID NO:10. This type of election would be responsive to the species election requirement. Applicant is also required to indicate which claims read on the elected species; failure to indicate as such will result in any claims not designated as reading on the elected species being withdrawn from consideration.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Saoud, Ph.D., whose telephone number is (703) 305-7519. The examiner can normally be reached on Monday to Friday from 7AM to 3PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1 (CM1). The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). **NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by Applicant or Applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers.**

Official papers filed by fax should be directed to (703) 308-4556. If this number is out of service, please call the Group receptionist for an alternate number. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294. Official papers should NOT be faxed to 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

**CHRISTINE J. SAOUD
PRIMARY EXAMINER**

Christine J. Saoud